

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KENNEY J. ERDMANN,

Plaintiff,

v.

CORRECTIONAL OFFICER II MORRISON,
CORRECTIONAL OFFICER II GRAY
and CORRECTIONAL OFFICER II KROCKER,

Defendants.

ORDER

11-cv-222-wmc

Plaintiff Kenney Erdmann, a prisoner at Green Bay Correctional Institution in Green Bay, Wisconsin, has submitted a proposed complaint. He has not paid the \$350 filing fee or submitted a certified copy of his six-month trust fund account statement. I can construe his complaint to include a request for leave to proceed *in forma pauperis*, however a decision on the request will be delayed until plaintiff pays an initial partial payment of the \$350 filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Plaintiff's initial partial payment cannot be calculated at this time because he has not submitted a trust fund account statement with his complaint.

Plaintiff's complaint was filed on March 14, 2011. His trust fund account statement should cover the six-month period beginning approximately September 14, 2010 and ending approximately March 14, 2011. Once plaintiff has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2). Plaintiff should show a copy of this order to prison officials to insure that they are aware they should send a copy of plaintiff's six-month trust fund account statement to this court.

ORDER

IT IS ORDERED that plaintiff Kenney Erdmann may have until April 19, 2011, in which to submit a certified copy of his trust fund account statement for the period beginning approximately September 14, 2010 and ending approximately March 14, 2011. If, by April 19, 2011, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily. In that event, the clerk of court is directed to close this case without prejudice to plaintiff's filing his case at a later date.

Entered this 28th day of March, 2011.

BY THE COURT:


PETER OPPENEER
Magistrate Judge